IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CIVIL WRIT PETITION NO.4204/99

Ram Bakil & Ors. **Versus** State & Ors.

DATE OF ORDER :: 26/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. V.K. Mathur for Mr. B.K. Sharma, for petitioners
Mr. Jainendra Jain, Addl.G.A.

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Petitioners were licence holders under the Rajasthan Petroleum Products [Licensing and Control] Order, 1990 to do the business for sale of petroleum products i.e high speed diesel oil and which was issued by the Licensing Authority and was valid upto 31st March, 1998. The District Collector, Dholpur vide order dated 6th November, 1998 extended their licence upto 30th November, 1998.

Applications were filed by the respective petitioners for renewal of their licence, but the District Supply Officer vide Ann.12 dated 11th February, 1999 passed order that they cannot be permitted further as licence period expired on 31st March, 1998. Against said order, the petitioners jointly preferred revision petition before the Revisional Authority which was dismissed on 27th May, 1999 on the premise that applications for renewal were submitted by them after expiry of stipulated period and once the period of licence has expired, they cannot be permitted to do the business thereafter.

It appears from the record that the order by which the licence period was extended under the orders of Collector upto 30th November, 1998 Ann.7 was escaped notice by the authority while taking decision. Apart from it, counsel has brought to the notice of this court that under Clause 4(1)(c) of Rajasthan Petroleum Products [Licensing and Control] Order, 1990, the licence is ordinarily issued for 20 years and for renewal of licence, application can be submitted by the dealer even after expiry of stipulated period upon payment of late fee.

Counsel has further brought to the notice of this court that at the same point of time licence issued to other dealers under the Order, 1990 was for a period of 20 years and which was in accordance with Clause 4 of the Order, 1990.

After going through the order impugned dated 27th May, 1999, this court feels that the relevant material, which was available on record, either has not been brought to the notice of the authority or has escaped while examining the grievance raised by petitioners.

Accordingly, the order dated 27th May, 1999 is hereby quashed and set aside. The matter is remanded back to the Revisional Authority to consider the matter afresh after affording opportunity to petitioners in accordance with law. Copy of this order be sent to the Revisional Authority and the petitioners may appear before

the Revisional Authority on 28th May, 2007. Since this is old matter, it is expected from the Revisional Authority to decide the same expeditiously.

With the above observations, the writ petition stands disposed of.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.